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Forest County Wisconsin

Shoreland Zoning

Land and Water Resources Committee
4/17/2018

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SECTION 1 – STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE

1.1 Statutory Authorization.

Wisconsin state law requires that counties zone, by ordinance, all shorelands in their unincorporated areas to meet legislative intent. This ordinance is adopted pursuant to Wis. Stats. Sections 59.692, 59.69, 59.694, 59.70(5), 87.30, 236.45 and 281.31, which authorize the local Land and Water Resources committee and the Zoning Administrator to plan for the development and zoning of land and resources within Forest County.

1.2 Findings of Fact.

- A.** Forest County has an abundance of lakes totaling 21,882 acres, a network of 850 miles of unique waterways and wetlands of far more than 161,000 acres. A vast majority of these unique landscapes, water bodies, water ways and wetlands are perpetually protected by the State and Federal government. Those remaining lands shall be utilized and maintained wisely to balance the County's environmental responsibility with individual property rights and the interests of the communities.
- B.** Uncontrolled use of the shorelands and impairment of the navigable waters of Forest County would adversely affect the public health, safety, convenience, general welfare and impair the remaining tax base.

1.3 Purpose and Intent

For the purpose of promoting the public health, safety, convenience and welfare, and promoting and protecting the public trust in navigable waters, this ordinance has been established to:

- A. Further the maintenance of safe and healthful conditions and prevent and control water pollution through:**
 - 1.** Limiting structures to those areas where soil and geological conditions will provide a safe foundation.

2. Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems.
3. Controlling filling and grading to prevent soil erosion problems.
4. Limiting impervious surfaces to control runoff which carries pollutants.

B. Protect spawning grounds, fish and aquatic life through:

1. Preserving wetlands and other fish and aquatic habitat.
2. Regulating pollution sources.
3. Controlling shoreline alterations, dredging and lagooning.

C. Control building sites, placement of structures and land uses through:

1. Prohibiting certain uses detrimental to the shoreland-wetlands.
2. Setting minimum lot sizes and widths.
3. Setting minimum building setbacks from waterways.
4. Setting the maximum height of near shore structures.

D. Preserve and restore shoreland vegetation and natural scenic beauty through:

1. Restricting the removal of natural shoreland cover.
2. Preventing shoreline encroachment by structures.
3. Controlling shoreland excavation and other earth moving activities.
4. Regulating the use and placement of boathouses and other structures.

1.4 Title

This ordinance is known as the Forest County Shoreland Zoning Ordinance

SECTION 2 – GENERAL PROVISIONS

2.1 Regulated Areas

A. Applicability.

The provisions of this ordinance apply to the shorelands of all navigable waters in the unincorporated areas of Forest County. Shorelands include the following.

1. Land located within 1000 feet of the OHWM of navigable lakes, ponds or flowages; and
2. Land located within 300 feet of the OHWM of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater.

B. Exemptions.

1. Under Wis. Stat. § 281.31(2m), notwithstanding any other provision of law or administrative rule, this ordinance does not apply to:
2. Lands adjacent to farm drainage ditches if

- Such lands are not adjacent to a natural navigable stream or river,
 Those parts of such drainage ditches adjacent to such lands
 were not navigable streams before ditching; and
3. Lands adjacent to artificially constructed drainage ditches, ponds
 or stormwater retention basins that are not hydrologically
 connected to natural navigable water body.

2.2 Incorporated Maps and Studies

The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer is made part of this ordinance. The maps can be viewed at:

<http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland> The staff of the Forest County Land and Water Resources will consult the following maps and written material when administering these ordinances (The maps designated below are hereby adopted and made part of this ordinance. They are on file in the office of the Zoning Administrator for Forest County and there is a digital copy at the office of the North Central Regional Planning Commission):

- 1.** The most recent United States Geological survey quadrangle maps for Forest County;
- 2.** All maps and related information by United States Geological Survey and UW Geological and Natural History Surveys relating to Forest County;
- 3.** Comprehensive Plan Land Use/Zoning Maps and the supporting data file depicting use as adopted by the Forest County Board of Supervisors;
- 4.** Wisconsin Wetland Inventory Maps for Forest County in effect on April 9th, 1998 or access the Surface Water Data Viewer at the WDNR website.
- 5.** USACE Regional Supplement to the Corps of Engineers Wetland Delineation Manual: North central and Northeast Region;
- 6.** Flood Insurance Rate Maps effective December 11th, 2011 and all future amendments;
- 7.** Agricultural Use Zoning Maps effective June 21st, 2016;
- 8.** Special Area Management Plans with mapping as adopted on (to be determined);
- 9.** NCWRPC digitized parcel maps to be used as a preliminary guide for administration;
- 10.** The Forest County Surface Water Resources publication dated 1977;
- 11.** The Forest County Land and Water Plan;
- 12.** At all times Forest County shall utilize the most current, pertinent, peer reviewed scientific information and engineering practices available when considering land, soil and water use decisions;

- 13. Guidance for native habitats and landscapes in the transitional forest from the USDA "Watchers Guide to Habitats;"
- 14. Guidance provided by the National Heritage Inventory;
- 15. WDNR Conservation Practice Standard no. 1002, site Evaluation for Storm water Infiltration;
- 16. All NRCS conservation practice standards; and
- 17. WI Forestry Best Management Practices for Water Quality (WDNR Publication).

2.3 Force and Effect

A. General

The use of any shoreland area; the size and shape of shoreland lots; the use; size, type and location of structures on shoreland lots; the installation and maintenance of waste disposal facilities; the filling and grading of any shorelands; the removal of shoreland vegetation; and the division of lots in shoreland areas, shall be in full compliance with the terms of this ordinance. All development requires a permit unless otherwise excluded by this ordinance.

- 1. The Board of Adjustment may grant an area variance, under Section 20 of this ordinance, for a modification to a dimensional, physical or locational requirement under the rules of Ordinance No. 02-2010, Rules for the Board of Adjustment if a literal enforcement of the provisions of the ordinance would unreasonably prevent the property owner from using their property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome. A property owner bears the burden of proving the unnecessary hardship is based on conditions unique to the property rather than considerations personal to the property owner and that the unnecessary hardship was not created by the property owner.
- 2. The Board of Adjustment may grant a use variance, under Section 20 of this ordinance, where strict compliance with this ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. A property owner bears the burden of proving the unnecessary hardship is based on conditions unique to the property rather than considerations personal to the property owner and that the unnecessary hardship was not created by the property owner.
- 3. The Land and Water Resources Committee may grant a conditional use permit for allowable uses that require mitigation to protect the health, safety and wellbeing of surrounding landowners.

B. Property Owners and Agents

It is the responsibility of the property owners or their agent(s) acting on their behalf, including builders and contractors, to comply with the terms of this

ordinance. Any landowner or agent thereof failing to comply with this ordinance is subject to enforcement under Section 19 of this ordinance.

C. Governmental Bodies

1. Unless specifically exempted by law, all governmental entities shall comply with this ordinance and obtain all necessary permits.
2. Towns and non-profit organizations may apply to the Land and Water Resource Committee for permit fee reductions or assistance on recreation or other public projects. All work shall be in compliance with the terms of the ordinance.

2.4 Relationship to Other Zoning and Property Restrictions

A. Town Regulation

Pursuant to Wis. Stat. 59.692(2), this ordinance does not require approval or be subject to disapproval by any town or town board.

B. Floodplain Restrictions

Building or structures that are, or to be, located in a mapped floodplain shall be required to comply with the Forest County Floodplain Ordinance dated 11-2011 and this ordinance.

C. Property Restrictions, Public and Private

This ordinance is not intended to enforce, repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, provisions of this ordinance which impose stricter restrictions will apply.

2.5 Interpretation

- A.** Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when Wis. Stat. § 13.48(13) applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Wis. Stat. § 30.2022(1) applies.
- B.** The provisions of this ordinance will be interpreted to be minimum requirements and will not be deemed a limitation or repeal of any other powers by the Wisconsin Statutes. The following rules of construction apply to this ordinance.
 1. The particular controls the general;
 2. In case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text controls;

3. Words used in the present tense include the future, and words used with singular number includes the plural, and the singular, unless the context clearly indicates the contrary, “structure” includes any part thereof, the phrase “used for” includes “arranged for”;
 4. The word “person” includes an individual, owner, operator, corporation, a limited liability company, partnership, an incorporated association, municipality, interstate agency, state or federal agency or any other similar entity unless the context clearly indicates the contrary
 5. Where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” “either/or,” the conjunction shall be interpreted as follows:
 - a. “And” indicates that all the connected items, conditions, provisions, or events apply; “or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination;
 - b. “Either/or” indicates that the connected items, conditions, provisions, or events apply singly but not in combination;
 6. The masculine gender includes the feminine.
- B.** The provisions of this ordinance are not to be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this ordinance is required by statute or a standard in Ch. NR 115, Wis. Adm. Code, and where the ordinance provision is unclear, the provision will be interpreted in light of the statute and Ch. NR 115 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

2.6 Severability

If any portion of this ordinance is superseded by state law, adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance will remain in effect.

SECTION 3 – DEFINITIONS

3.1 Incorporated Definitions.

Except as set forth in this Section, all terms have meanings as contained in Black’s Law Dictionary.

Access and Viewing Corridor: A strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

Access Site or Lot: A parcel of land that is contiguous to a body of water (lake or river) which provides a means for waterfront access.

Administrator: The Forest County Zoning Administrator or the Deputy Zoning Administrator under the direction of the Land and Water Resources Committee.

Back Lot: A parcel of any size, whether improved, subdivided or platted, located within 1000 feet of any lake or within 300 feet of any river that does not abut the shoreline or OHWM of a lake or river

Blight: Blight refers to the deterioration or decay of a premises or exterior of a building or condition of a property, that when viewed at ground level from the public right-of-way or from neighboring premises, is detrimental to the property of others or to the value of the property of others.

Boathouse: A permanent structure located on land and used for the storage of watercraft and associated materials, including all structures which are totally enclosed, have a roof or walls or any combination of these structural parts.

Boat Shelter: A structure in navigable waters designed and constructed for the purpose of providing cover for a berth place for watercraft, which may have a roof, but may not have walls or sides. Such a structure may include a boat hoist, Wis. Stat. § 30.01 (1) (c).

Buffer Area or Vegetated Buffer Zone: A buffer area abutting a stream, lake or other water body, which includes the first 35 feet landward from the OHWM, and shall remain un-mowed except for areas that are allowed as viewing corridors. Development activities may be allowed by variance.

Building Envelope: The three dimensional space within which a structure is built.

Building Line: A point of which all setback requirements can be met.

Bulkhead Line: A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Wis. Stat. § 30.11 and which allows limited filling between the line and the original OHWM, except where such filling is prohibited by the flood way provisions of that ordinance.

Campground: An area of land licensed to accommodate overnight camping by 3 or more vehicles or trailers designed for human habitation.

Camper Trailer: A vehicle or trailer designed for recreational, human habitation.

Chicken: The common fowl (*gallus gallus*), whose flesh and eggs are used for food.

Conditional Use: Means a use permitted, with conditions as applied by the Forest County Land and Water committee, but does not include a variance.

Conforming Structure: A structure legally placed by law, variance, conditional use or permit.

Committee: The Forest County Land and Water Resource Committee.

Coop: A structure for the sheltering of chickens and /or ducks. An existing shed or garage can be used for this purpose if it meets the standards contained in this ordinance including the required setback from property lines.

County Zoning Agency: The committee created or designated by the county board under Wis. Stat. § 59.692 (2)(a) that acts in all matters pertaining to county planning and zoning. In Forest County, this committee is the Forest County Land and Water Resources Committee whose directional jurisdiction includes the Zoning Administrator and Deputy Zoning Administrator

Cut-And-Fill: Earthmoving process that entails excavating part of an area and using the excavated material for adjacent embankments or fill areas.

Development: Any man made change to improved or unimproved real estate.

Department: The Department of Natural Resources.

Duck: Any of a variety of swimming birds (family anatidae), in which the neck and legs are short, the feet typically webbed, the bill often broad and flat, and the sexes usually different from each other in plumage.

Dwelling Unit: A structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by one or more individuals, to the exclusion of all others.

Existing Pattern of Development: Means that structures exist, and are built to less than the required setback, within 250 feet of a proposed principal built to a setback that is less than required by this ordinance.

Existing Structure: A structure existing at the time this ordinance is adopted.

Footprint: An outline of the structure on the surface of land.

Fire Break: Naturally occurring or human-made barrier to stop the spread of fire.

Flood Plain: The land that has been, or may be, covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in Ch. NR 116. Properties where development is located in a mapped floodplain or the flood shadow of a dam shall be administered under the Forest County Floodplain Ordinance of November 11, 2011, or this ordinance where applicable.

Forestry Best Management Practices (BMPs): Practices set forth in the manual titled "Wisconsin's Forestry Best Management Practices for Water Quality" (March 1995). BMPs are considered minimum standards in forest management and similar activities of a smaller scale in shoreland setback areas in Forest County of at least 10 acres.

Forestry: The production, management and maintenance of trees as a crop or resource.

Frontage Width (Water Frontage): The amount of linear water frontage of a lot measured at the OHWM. The frontage width shall be measured perpendicular to the mean bearing of a side lot line.

Geotextile: A product used as a soil reinforcement agent and as a filter medium, which is made of synthetic fibers manufactured in a woven or loose non-woven manner to form a blanket-like product.

Grade (gradient): The slope of a road, trail or lot expressed as a percentage of change in elevation per unit of distance traveled.

Gross Floor Area: The floor area is the sum of the gross horizontal areas of the several floors of the structure, or portion thereof, devoted to such use; including accessory storage areas.

Structure Height: The vertical distance measured from the lowest exposed element of the structure at ground level to the highest point of the roof

Home Occupation: An activity where there are less than 3 employees, including family members, and less than 50% of the total footprint of the primary or secondary structures are involved. No heavy equipment, loud noises or noxious odors may be generated.

Hunting or Fishing Shelter: A nonpermanent, seasonal or temporal structure of 200 square feet or less intended solely for fishing, hunting, or trapping, and only for temporary occupancy.

In-Situ Soil: Soil in its natural location.

Impervious Surface: means an area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious.

Island Access Lot: Any lot abutting a navigable water body that provides a deeded access for one or more island lots.

Kennel: A place where 4 or more dogs over the age of 6 months are boarded, bred, or offered for sale.

Land Disturbance Activities: Construction, grading, filling, excavating, or any other activities that result in the temporary or permanent removal of vegetative cover, increased potential for soil erosion, increased storm water runoff volumes or velocities, or increased total area of impervious surfaces.

Land Use: (See development)

Lot: Any portion of land defined by metes and bounds, certified survey, recorded land subdivision plat or other means, and separated from other lots, parcels, or similar units by such description.

Lot Area: The area of contiguous land bounded by lot lines, exclusive of land provided for public thoroughfares; not including land below the OHWM.

Lot Coverage: The maximum amount of land area that may be covered with impervious surface as defined by this ordinance.

Lot Frontage: That side of a lot abutting on a street or way that establishes the address of the lot.

Lot Lines: A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way line.

Lot of Record: means any lot, the description of which is properly recorded with the Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

Minimum Lot Width: The minimum lot width shall be measured at the OHWM

Minor Structures: Any small movable accessory construction such as: birdhouses, pet house, arbors under six feet in height, or any structure with no more than forty square feet of structure area.

Mitigation: means balancing measure that are designed, implemented ~~and function~~ to restore natural function and values that are otherwise lost through development and human activities.

Motor Home: Means a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having similar characteristics and equipment as a mobile home.

Mulch: A natural or artificial layer of plant residue or other materials covering the land surface that conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.

Multi-Family Unit Or Dwelling: A group of more than 2 physically attached dwelling units.

Native Vegetation: Plants indigenous to a given area in geologic time, including plants that have developed, occur naturally, or existed for many years in an area.

Navigable Waters: Means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. This ordinance does not apply if:

1. Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
2. Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.
3. The water body has been declared non-navigable by the appropriate authority.

Nonconforming Lot: a parcel or lot that does not conform in size to the regulations of this ordinance.

Nonconforming Structure: An existing structure that is not in conformity with elements of development regulations such as OHWM setback, height, lot coverage or sideyard setbacks.

Nonconforming Use: An existing use of a structure or development that is not in conformity with the provisions of its designated zone.

No Mow Zone: An area 35 feet from the OHWM that is allowed to grow naturally. No mow zones may be used to satisfy buffer restoration requirements.

Nuisance: Any source of filth or cause of sickness, any unreasonable use of property or activity that interferes with the comfortable enjoyment of life, health, or safety of another; an offensive, annoying, unpleasant or obnoxious thing or practice that may annoy or disturb others enjoyment of their property. See Section 27

Ordinary High-Water Mark (OHWM): The point on the bank, or shore, up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

Ordinary Maintenance and Repair: Not considered structural repairs, modifications, or additions. Such ordinary maintenance repairs include: internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components. Ordinary maintenance and repair does not alter the building envelope in any direction.

Overflow Accommodations: Structures not intended to be used as residences but are capable of accommodating visitors and guests.

Path: Unimproved access to the shore that consists of well-trodden, insitu soil.

Pen: A wire enclosure connected to a coop for the purpose of allowing chickens and/or ducks to leave the coop while remaining in an enclosed, predator-safe environment.

Person: an individual, owner, operator, corporation, limited liability company, partnership, association, municipality, interstate agency, state agency or federal agency.

Personal Storage Facility (Mini Wharehouse): A single story structure containing individual locked spaces or an existing structure not originally intended for storage rental such as a barn or equipment shed, to rent for storage of personal or private property.

Pier: Any structure extending into navigable waters from the shore built or maintained for the purpose of providing a berthing or mooring place for watercraft or for loading or unloading cargo or passengers onto or from watercraft. It may include a

temporary boat hoist without roof or walls. Such a structure may include a boat shelter that is removed seasonally. (See Wis. Stat. § 30.01(5))

POWTS: Means Private Onsite Waste Treatment Systems

Principal Structure and Use: Principal structures include dwelling units, commercial buildings or other non-accessory structures in which the principal use of the lot is being conducted. Principal structures do not include boathouses or accessory structures such as gazebos, storage buildings, or non-rental guest houses and overflow guest accommodations. A lot on which more than one principal use is located may have more than one principal structure.

Private Road: An area designated as a right-of-way available for use by one or more landowners whose property may or may not abut upon said right-of-way, but which right-of-way has not been dedicated to the public and is not intended to be used by the public. Private roads abutting more than one parcel or providing access to more than one dwelling, shall be named, signed legibly and registered with the Forest County Department of Emergency Services.

Private Sewage System: A sewage treatment and disposal system serving one or two structures with a septic tank and soil absorption field located on the same or adjacent parcel as the structure. This term also means an alternative sewage systems approved by the Department of Safety and Public Service including substitutes or experimental systems.

Public Sewage Disposal System: Sewers and sewage treatment facilities which are maintained and operated by a municipality or sanitary district.

Public Utilities: Utilities using underground or overhead transmission lines such as electric, telephone, telegraph, and distribution and collection systems such as water, sanitary sewer, natural gas, and storm sewer owned and operated by a municipal entity.

Pyramiding: The act of obtaining or legally providing access (easement) to public bodies of water across private lots or lands in a manner that increases the number of families that have access to that water to a degree greater than what would occur with individual riparian owners having individual lots fronting on the water. Publicly owned access points may not fall within this definition. See Wis. Stat. § 30.131 for limitations on such access.

Recreational Vehicle: Means a vehicle that is designed to be towed upon a highway by a motor vehicle, that is equipped and used, or intended to be used, primarily for temporary or recreational human habitation, that has walls of rigid construction, and that does not exceed 45 feet in length.

Recreational Structure: Means a structure less than 100 square feet used for recreational activities used intermittently as sleeping quarters or shelter, e.g. Children's play houses, tree houses or other structures of like character or use.

Regional Flood: means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.

Residential: (See dwelling unit)

Retail Business: A commercial establishment that sells products in relatively small quantities, not in bulk, directly to the ultimate customer.

Riparian Management Zone (RMZ): Land and vegetated areas within 300 feet of the OHWM of lakes and streams where management practices are modified to protect water quality, fish and other aquatic resources.

Routine Maintenance of Vegetation: Normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

Service Business: Commercial establishment devoted to the performance of work for others, not the production of a tangible commodity.

Setback: The minimum allowable horizontal distance from a given point or line of reference, such as a thoroughfare right-of-way, OHWM, or perspective line to the nearest vertical wall or other element of a structure or structure as indicated in the text of this ordinance.

Shoreland: Land within the following distances from the OHWM of navigable waters: 1,000 feet from a lake, pond or flowage or 300 feet from a river or stream or to the landward side of the flood plain, whichever distance is greater.

Shoreland Alteration: The intentional, artificial change to the land located between the OHWM and 300 feet landward.

Shoreland Setback: An area that is within 75 feet of the OHWM in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under this Section.

Short Term Rentals: Residents used as domiciles for periods of less than 7 days by anyone other than the owner, for compensation.

Side Yard: A yard extending along a side lot line that does not front on a public street, road, or body of water.

Silt Fence: A temporary barrier used to intercept sediment-laden runoff from an area.

Special Exception: In this ordinance a special exception is considered a conditional use. See conditional use.

Special Area Management Plan (SAMP): A plan which provides for increased specificity in protecting significant natural resources, reasonable economic growth, improved protection of life and property and improved predictability in governmental decision making.

Special Zoning Permission: A permit received to erect the structure described in Wis. Stat. § 59.692(1v) that requires the preservation or restoration of the shoreland buffer area.

Structure: A principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, stairway, walkway, patio, deck, retaining wall, porch or fire pit but not including the following;

1. Items connected to a single post or pole, less than 6 square feet, birdhouses, bird feeders, flags or other objects of like character, nature or use, even if attached to concrete.

2. Items relating to private utilities, such as wells, private on site waste treatment systems, utility lines and poles, LP gas tanks, or other objects of like character, nature or use.

Substantial Evidence: means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

Temporary Structure: A structure which is permitted within a land use district without any foundation or footing and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. Such structures may include, but are not be limited to, mobile or recreation vehicles used in conjunction with construction, event shelters/tents or other structures of like character, nature or use. Temporary structures may not stay in place more than 32 days unless its use is related to an activity requiring a permit, in which case the temporary structure may be permitted for the duration of the permit allowing the activity.

Unnecessary Hardship: circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

Variance: An authorization granted by the Board of Adjustment for a landowner to vary from the terms of the ordinance that will not be contrary to the public interest, owing to special conditions and the adoption of the shoreland zoning ordinance, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and that the spirit of the ordinance shall be observed and substantial justice done.

Walkway: A structure, no more than 60 inches wide, consisting of materials placed specifically to provide safe access to the shore. Any type of walkway installation, elevated or in-ground, flat or stepped, may not further or cause erosion.

Wellhead Protection: Measures taken by a town sanitary district to protect the water quality of their municipal well.

Waterfront Lot: Any lot that abuts navigable water.

Wetland: An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic (water-loving) vegetation and contains soils indicative of wet conditions.

Wetland Lot: A lot or parcel created before October 5, 1984 that is completely designated wetland and may be part of any future SAMP (special area management plan).

Wetland Zoning Districts: a zoning district, created as a part of a county zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the department.

Wholesale Business: A commercial establishment that sells products for further sale or processing. Wholesale businesses sell to retail businesses, not the ultimate customers.

SECTION 4. DETERMINATIONS, ENCROACHMENTS, COMPLAINTS AND CONVENANTS.

4.1 General

- A.** Determinations of navigability and OHWM location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate office of the Department of Natural Resources for a final determination of navigability or OHWM.
- B.** Encroachments and property line disputes are a civil matter and shall first be handled in court to determine proof of property lines. When a setback violation is established, the Forest County Land and Water Resource Office may proceed, upon motion of the Land and Water Resource Committee, and approval of Corporate Counsel, to enforce the applicable Section of the ordinance.
- C.** Zoning complaints shall be filed in writing and signed on forms provided in the Land and Water Resource Office.
- D.** Nuisance and blight complaints in the shoreland area shall be filed in writing and signed on forms provided in the Land and Water Resource Office.
- E.** Restrictive covenants or deed restrictions are private contractual covenants that limit land use. Restrictions are placed on the property by affirmative action of the owner of the property, usually by the initial developer. Enforcement of restrictive covenants, on property covered by the restrictions, is the landowner's responsibility. Seek legal advice to enhance, alter or amend restrictive covenants.

SECTION 5 – SHORELAND-WETLAND DISTRICT

5.1 Purpose

This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever

possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

5.2 Permitted Uses

The following uses are allowed, subject to general shoreland zoning regulations contained in this ordinance and the provisions of other applicable local, state and federal laws.

- A.** Activities and uses which do not require the issuance of a zoning permit, but which shall be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating except as allowed under these rules;
 - 1.** Hiking, fishing, trapping, hunting, swimming, and boating;
 - 2.** The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - 3.** The pasturing of livestock;
 - 4.** The practice of silviculture, including the planting, thinning, and harvesting of timber;
 - 5.** The construction or maintenance of duck blinds.
- B.** Uses that do not require the issuance of a county zoning permit but may require a permit from the Department of Natural Resources and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating to the extent allowable by state statute, federal rule and the following:
 - 1.** Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.
 - 2.** The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries,
 - 3.** The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating, and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible;
 - 4.** The construction or maintenance of fences for the pasturing of livestock, provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done.
 - 5.** The construction or maintenance of piers, docks, or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance.
 - 6.** The Construction and maintenance of roads may be permitted if the roads are necessary for agricultural or silvicultural purposes, and as a practical matter cannot be located outside the wetland, and are designed and constructed to

- minimize the adverse impact upon the natural functions of the wetland. Department review may be required.
7. The construction and maintenance of duck blinds provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done.
 8. The establishment and development of public and private parks and recreation areas, public boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas, provided that no filling is done and that any private wildlife habitat area is used exclusively for that purpose. The owner or operator of a new private recreation or wildlife area to be located in a shoreland-wetland zoning district shall notify the county Land and Water Resource office of the proposed project before beginning construction. Ditching, excavating, dredging, dike and dam construction shall be allowed in wildlife refuges, game preserves, and private wildlife habitat areas for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
 - a. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Wis. Stat. § 29, where applicable.
 - b. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in Section 5.2 (B) (6).
 9. The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members, which cannot as a practical matter be located outside the wetland, provided that any filling, excavating, ditching or draining necessary for such construction or maintenance is done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland.
 10. The construction and maintenance of railroad lines which cannot as a practical matter be located outside the wetland, provided that any filling, excavating, ditching or draining necessary for the construction or maintenance is done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland.
 11. The maintenance, repair, replacement, and reconstruction of existing town and county highway, bridges and culverts.
- C. Uses that require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, are permitted, but only to the extent specifically provided in state statute and as follows;
1. The construction or maintenance of nonresidential buildings, provided the building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district provided that:

2. The building cannot, as a practical matter, be located outside the wetland;
3. Such building is not designed for human habitation and does not exceed 500 square feet in floor area; and
4. Only limited filling or excavating necessary to provide structural support for the building is authorized.

5.3 Prohibited Uses

Any use not listed in the previous Sections are prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with Wis. Stat. § 59.69(5)(e).

5.4 County Standards for Shoreland-Wetland Rezoning Petitions

A. The following standards shall be met by a landowner to commence the process of rezoning a shoreland-wetland parcel, or a portion thereof:

1. The parcel shall be a lot of record, created and on file with the Register of Deeds before October 4, 1987;
2. Any area delineated as un-mapped wetland shall be treated as mapped and included in the next map amendment.
3. The township in which the rezoning is proposed shall agree to the rezoning by motion.

5.5 Rezoning of Lands in the Shoreland-Wetland District

A. For all proposed text or map amendments to the shoreland-wetland provisions of this ordinance, the appropriate office within the department shall be provided with the following:

1. A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within 5 days of the filing of such petition with the county clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map describing any proposed rezoning of a shoreland or wetland;
2. Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing;
3. A copy of the County Land and Water Resource agency's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the county board; and
4. Written notice of the county board's decision on the proposed amendment within 10 days after it is issued.

B. Wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

1. Storm and flood water storage capacity;

2. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
4. Shoreline protection against soil erosion;
5. Fish spawning, breeding, nursery or feeding grounds;
6. Wildlife habitat; or
7. Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04, Wis. Adm. Code, which can be accessed at the following web site: <http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.

5.6 Department Response to a Proposed Text or Map Amendment

- A. If the department notifies the county zoning agency that a proposed text or map amendment to the shoreland-wetland provisions of this ordinance may have significant adverse impact upon any of the criteria listed in Section 5.5.B, the proposed amendment shall contain the following provision:
- “This amendment shall not take effect until more than 30 days have elapsed after written notice of the county board’s approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of natural Resources may notify the county board that it will adopt a superseding shoreland ordinance for the county under Wis. Stat. § 59.692(6). If the department does so notify the county board, the effect of this amendment shall be stayed until the adoption procedure is completed or otherwise terminated.

SECTION 6 – LAND DIVISION REVIEW

6.1 Land Division Review

- A. The county shall review, pursuant to Wis. Stat. § 236.45, all land divisions in shoreland areas which create any parcels of five acres or less, and shall require a certified survey or plat. All subdivisions fronting on State or Federal Highways require State approval. Land divisions requiring access to county highways require Forest County Highway Department approval. In such review, the following factors shall be considered:
1. Hazards to health, safety or welfare of future residents;
 2. Proper relationship to adjoining areas;
 3. Public access to streets and navigable waters, as required by law and this ordinance;
 4. Adequate storm drainage facilities; and

5. Conformity to state law, this ordinance, Forest County Subdivision Ordinance, and administrative code provisions.

6.2 Minimum Lot Size

- A. Minimum lot size shall be established in the shoreland areas to afford protection against danger to health, safety, welfare, and protection against pollution of the adjacent body of water.

1. Lots served by public sanitary sewer shall have a minimum width of 65 feet and a minimum area of 10,000 square feet. Lots shall be measured at the OHWM.

2. Lots not served by public sanitary sewer shall have a minimum lot width of 100 feet and a minimum lot area of 20,000 square feet. Lots shall be measured at the OHWM.

B. Floodplain Structures

Existing and proposed buildings and structures to be constructed or placed in a flood plain shall be required to comply with the Forest County Floodplain Ordinance 11-2011

6.3 Identifying the OHWM

- A. If a professional land surveyor licensed under Wis. Stat. § 443, in measuring a setback from an OHWM of a navigable water as required in this ordinance, relies on a map, plat, or survey that incorporates or approximates the OHWM in accordance with Wis. Stat. § 236.025, the setback measured is the setback with respect to a structure constructed on that property if all of the following apply:

1. The map, plat, or survey is prepared by a professional land surveyor, licensed under ch. 443, after March 1, 2016. The same professional land surveyor may prepare the map, plat or survey and measure the setback; and
2. The department has not identified the OHWM on its internet site as is required by Wis. Stat. § 30.102 at the time the setback is measured.

6.4 Planned Unit Development

- A. A non-riparian lot may be created which does not meet the requirements of Section 6.2 if the Land and Water Resources Committee has approved and recorded a plat or certified survey map including that lot within a planned unit development, but only if the planned unit development contains at least 2 acres or 200 feet of frontage, and if the reduced non-riparian lot sizes are allowed in exchange for larger shoreland buffers and setbacks on those lots adjacent to navigable waters that a proportional to and offset the impacts of the reduced lots on habitat, water quality and natural scenic beauty.

1. Planned unit development within districts shall meet the regulations of Section 21 (Conditional Use Permits). They shall constitute conditional uses in all districts.

2. Structures and uses in a PUD shall conform to the requirements of the respective zoning district.
3. Land to be set aside as open space or common area shall be clearly indicated on the plan. Provisions for the continued maintenance of common space, recreational facilities, parking facilities, or other common property, shall be guaranteed by the owner's association articles of incorporation, covenants, and /or deed restrictions in a form acceptable to the county board. Such guaranteeing instruments shall be recorded with the plat.

SECTION 7 – SUBSTANDARD LOTS

7.1 Substandard Lots

Within the districts established by this ordinance, or amendments that may later be adopted, there exist lots and parcels created prior to the Forest County Shoreland Zoning Ordinance. Impervious surface restrictions apply.

A. A legally created lot or parcel that met the minimum requirements when it was created, but does not meet current lot size requirements, may be used as a building site if all the following apply:

1. The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel;
2. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel;
3. The substandard lot or parcel is developed to comply with all other ordinance requirements.
4. Except for lots that meet the requirements of 1, 2 and 3, a building permit for the improvement of a lot having lesser dimensions than those stated in Section 6.2 shall be issued only if a variance is granted by the Board of Adjustment

SECTION 8 - REQUIRED SETBACKS AND FRONTAGES TO ROADS

8.1 General

A. Unless otherwise stated in the district regulations, no principal or accessory structure may be closer to the centerline of any public road than the setback as follows:

1. State and Federal Highways: the minimum setback shall be 110 feet from the centerline of the highway or 50 from the edge of the right of way, whichever is less.
2. County Road: the minimum setback shall be 63 feet from the centerline of the highway.
3. All Town roads and Forest Service Roads: the setback shall be 43 feet from the centerline of the highway.

4. Private easements or access roads will have a setback of 20 feet from the edge of easement or access road.

B. Reduced Highway Setbacks:

A variance issued by the Board of Adjustments is necessary to reduce highway set-back requirements.

C. Minimum Road Frontages for Lots and Subdivisions

The Land and Water Resource Committee shall have the right to approve lesser dimensions than those stated below, during preliminary land division reviews with respect to Town, County and Forest Service roads. Lesser dimensions approved fronting county highways shall first be approved by the Forest County Highway Department.

1. State and Federal Highways: 300 feet.
2. County Highway: 250 feet.
3. Town and Forest Service Roads, 200 feet
4. Easement roads, 100 feet

SECTION 9 – MISCELLANEOUS UTILITY REGULATIONS

9.1 Well and Sanitary Requirements

The Forest County Private Sewage System Ordinance and Department of Safety and Professional Service Codes shall apply to all of Forest County for the preservation and enhancement of water quality. Where public water supply systems are not available, private well construction shall be required to conform to Ch. NR 811 & 812, Wis. Adm. Code.

9.2 Private Utility Structure

No private utility structure intended for the purpose of burning fuel to supply an adjacent structure on the same premises with heat or hot water, shall be permitted unless the following conditions are met:

- A. Structure is 20 feet from other accessory structures.
- B. Structure is 50 feet from a structure for human or habitation.

9.3 Towers

A setback to any property line, easement or right of way of 1.25 times the total height of a wind or meteorological tower is required for safety unless a topple easement is secured from adjacent landowners prior to construction.

9.4 Below Ground Installations, Non-structural Trails or Corridors

Distribution lines or below ground pipelines, transportation corridors, and recreational trails are permitted uses in any district. This does not apply to transmission lines, pipelines, pumping stations, or any other use specifically listed as a conditional use anywhere in this ordinance.

9.5 Telecommunications/Electric Structures

Telecommunications/Electronic switching equipment structure no larger than 12' x 22' is permitted in all districts subject to aesthetic: Aesthetics, may only constitute grounds from prohibiting the use if such will substantially depreciate the value of property in the neighborhood or impose a visual effect upon neighbors or passersby which is clearly obnoxious to the prevailing taste of the municipality. In all cases, the Town Board in which the proposed use is to be located shall serve as the Aesthetic Review Board.

9.6 Access to Sunlight

No structure or vegetation may be placed in a way that significantly interferes with another property owner's ability to use solar powered heating or cooling equipment or structures after installation of those structures.

SECTION 10 – DISTRICT SETBACKS

10.1 Setback Purpose

Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution

10.2 Shoreland Setback

Unless a variance exists on the property for placement of a structure or use of an area, the structure is exempt under Section 10.3 or reduced under Section 2.3 (A) (1), a setback of 75 feet from the OHWM of any navigable waters to the nearest part of a building or structure shall be required for all building and structures. Setbacks other than the OHWM are measured to the nearest vertical wall.

10.3 Exempt Structures

A. Except as otherwise provided, all of the following structures are exempt from the shoreland setback standards:

1. Boathouses located entirely above the OHWM and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation.
- a. Boathouses shall be designed and constructed solely for the storage of boats and related equipment.
- b. Boathouse shall not exceed a height of 12 feet as measured from the lowest exposed point to the peak and 360 square feet in floor area and a total building envelope no greater than 4,320 cubic feet.
- c. Patio doors, fireplaces and other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.
- d. Unless replacing an existing boathouse, all new boathouses must be 15 feet from the OHWM.
- e. Existing boathouse located further than 15 feet from the OHWM may be expanded towards to the shore but no closer than 15 feet from the OHWM

- Existing boathouse may be increased in size subject to limitations in (b), but if the existing boathouse is less than 15 ft from the OHWM, no expansion may be made towards the shore.
- f. The roof of a boathouse may be used as a deck provided that the boathouse has a flat roof and the roof has no sidewalls or screens. The roof may have a railing that meets the Department of Safety and Professional Services standards.
2. Open sided and screened structures such as gazebos, decks, patios, and screen houses in the shoreland setback area that satisfy the requirements in Wis. Stat. § 59.692(1v).
 - a. The part of the structure that is nearest to the water shall be located at least 35 feet landward from the OHWM.
 - b. The floor area of all of the structures in the shoreland setback area of the property will not exceed 200 square feet. It is not necessary to include boathouses and walkways in calculating the square footage.
 - c. The structure that is the subject of the request for special zoning permission has no sides or has at least 50% open or screened sides.
 - d. The county shall approve and file a plan that will be implemented by the owner of the property to preserve or establish a native vegetative buffer zone that covers at least 70% of the 1/2 of the shoreland setback area that is nearest to the water. A “no mow” zone is acceptable in establishing a vegetative buffer requirement or mitigation.
 3. Fishing rafts that are authorized on the Wolf River and Mississippi River under Wis. Stat. § 30.126.
 4. Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter. (1 meter equals 3.28 feet)
 5. Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pump house covers, private on-site wastewater treatment systems that comply with Ch. SPS Comm. 383, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.
 6. Walkways, stairways or rail systems that are necessary to provide safe pedestrian access to the shoreline and are a maximum of 60-inches in width.
 7. Devices or systems used to treat runoff from impervious surfaces.
- B.** Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

10.4 Reduced Setback for a Principal Structure to the OHWM

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If the closest principal structure in each direction along the shoreline to a proposed principle structure exists on an adjacent lot and within 250 feet of the proposed principal structure and both of the existing principal structures are set back less than 75 feet from the OHWM, the setback shall be equal to the average of the distances that those structures are set back from the OHWM but no less than 35 feet. If an adjacent principal structure within 250 feet and a setback of less than 75 feet from the OHWM exists on only one side the setback shall be equal to the average of the setback of the adjacent structure and 75 feet but no less than 35 feet.

10.5 Required Setbacks to Side Lot Lines by District

A. Shoreland Lots With Municipal Sanitary, either Residential or Recreational Residential

1. Primary structures shall be 7.5 feet from the side lot line.
2. Accessory structures shall be 5 feet from the side lot line.

B. Shoreland Residential and Shoreland Recreational Residential with POWTS

1. Primary structures shall be 15 feet from the side lot line.
2. Accessory structures shall be 7.5 feet from the side lot line.

C. Shoreland Commercial

1. 6 feet from the side lot line if utilizing a municipal sewer
2. 15 feet from the side lot line if without municipal sewer

D. Shoreland Industrial

1. 25 feet from the side lot line if utilizing municipal sewer
2. 50 feet from the side lot line if without municipal sewer

E. Shoreland Forestry or Agricultural

1. 5 feet from the side lot line for any forestry or agricultural use
2. 15 feet from the side lot line for primary structures with a habitable use.

F. Shoreland Mixed Use

1. Habitable dwellings or accessory structures as in 10.5 .A or B.
2. Commercial buildings as in 10.5.C.

G. Shoreland Government/Public, Institutional

1. 10 feet from the side lot line for structures
2. No setback required for nonstructural paths and trails

H. Shoreland Wetland

1. 50 feet from the side lot line for hunting blinds
2. 15 feet from the side lot line for other wetland structures

SECTION 11 – VEGETATION

11.1 Purpose

To protect scenic beauty, fish and wildlife habitat, and water quality.

11.2 Activities Allowed Within a Vegetative Buffer Zone

- A. The removal of vegetation on the land that extends from the OHWM to 35 feet inland is prohibited except as follows:

1. The county may allow routine maintenance of vegetation.
2. The county shall allow by permit the removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. The viewing corridor may be 35 wide for every 100 feet of shoreline frontage in the parcel. The viewing corridor may run contiguously for the entire maximum width allowed;
3. The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with “generally accepted best forestry management practices” as defined in s. NR1.25(2)(b), and described in Department publication “Wisconsin Forest Management Guidelines” (publication FR-226), provided that vegetation removal be consistent with these practices and a cutting permit has been issued by the county;
4. The county may allow the removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that shall be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed is replaced by replanting in the same area as soon as practicable;
5. The county may allow by permit, with enforceable restrictions, additional vegetation management activities in the vegetative buffer zone. The permit issued under this paragraph shall require that all management activities comply with detailed plans approved by the county and shall be designed to control erosion by limiting sedimentation into the water, to improve the plant community by replanting native species in the same area and to maintain and monitor the newly restored areas. Enforceable restrictions will be filed with the register of deeds; and
6. The county may not specifically require a property owner to establish a vegetative buffer zone on previously developed land or expand an existing vegetative buffer zone. However, mitigation may and can be required as part of a variance, a conditional use or as required in Wis. Stat. § 59.692(1v) for structures that need special zoning permission that includes mitigation as defined in Section 15 of this ordinance.
7. Cutting from the inland edge of the vegetated buffer zone 35 feet from the OHWM), to the outer limits of the shorelands shall be allowed when using accepted forest management and soil conservation practices to protect water quality.

Section 12 REGULATIONS APPLICABLE WITHIN 300 FEET OF THE OHWM OR THE RMZ (riparian management zone)

12.1 Purpose

To establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters.

12.2 Impervious Surface Limitations Within the Riparian Management Zone

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- 1194 **A.** Percentage of impervious surface shall be calculated by dividing the surface
 1195 area of the existing and proposed impervious surfaces on the portion of a lot
 1196 or parcel that is within 300 feet of the ordinary high-water mark by the total
 1197 surface area of the lot or parcel, and multiplied by 100. Impervious surfaces
 1198 as described in Section 3 shall be used when calculating the total of
 1199 impervious surfaces on the lot or parcel. If an out lot lies between the
 1200 ordinary high water mark and the developable lot or parcel and both are in
 1201 common ownership, the lot or parcel and the out lot shall be considered one
 1202 lot or parcel for the purposes of calculating the percentage of impervious
 1203 surface.
- 1204 **B.** A maximum of 15% of impervious surfaces shall apply to the construction,
 1205 reconstruction, expansion, replacement or relocation of any impervious
 1206 surfaces that is or will be located within 300 feet of the OHWM of any
 1207 navigable waterway on any of the following:
- 1208 1. A riparian lot or parcel; and
 - 1209 2. a nonriparian lot or parcel that is located entirely within 300 feet of the
 1210 OHWM of any navigable waterway.
- 1211 **C.** A maximum of 30% impervious surface allowed on any lot where all runoff
 1212 is documented as treated;
- 1213 1. By devices such as storm water ponds, constructed wetlands, infiltration
 1214 basins, rain gardens, bio-swales or other engineered systems or;
 - 1215 2. The runoff from the impervious surface discharges to an internally
 1216 drained pervious area that retains the runoff on the parcel and allows
 1217 infiltration into the soil.
- 1218 **D.** A maximum of 30% impervious surface is allowed by permit issued in
 1219 conjunction with a mitigation plan, as described in Section 15, approved by
 1220 the county and implemented by the property owner by a date specified in
 1221 the permit, to establish or maintain measures the county determines
 1222 adequate to offset the impacts of the impervious surface on water quality,
 1223 near – shore habitat, upland wildlife habitat and natural scenic beauty.
- 1224 **E.** The mitigation plan shall include enforceable obligations of the property
 1225 owner and shall be evidenced by an instrument recorded in the office of the
 1226 Register of Deeds.
- 1227 **F.** The mitigation measures shall be proportional to the amount and impacts of
 1228 the impervious surface being permitted.
- 1229 1. A planned mitigation shall be on a 1:1 basis per square foot of
 1230 development or
 - 1231 2. A no mow zone may be established in lieu of re-vegetation and
 1232 maintained across the property, inland from the OHWM, 35 feet, except
 1233 in the designated view corridor
- 1234 **G.** For impervious surfaces, existing prior to this ordinance, the property
 1235 owner may do any of the following as long as the property owner does not
 1236 increase the percentage of impervious surface that existed on the effective
 1237 date of the previous shoreland ordinance:

1. Maintain and repair all impervious surfaces;
 2. Replace existing impervious surfaces with similar surfaces within the existing building envelope; or
 3. Relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland ordinance, and the impervious surface meets the applicable setback requirements in Section 10.2
- H.** Lots that have been placed in a condominium form of ownership shall be administered as an entire property when calculating impervious surface restrictions.
- I.** A property owner may seek a variance to exceed the maximum impervious surface standard pursuant to Wis. Stat. § 59.694 (7)(c), with the County Board of Adjustment.
- J.** Impervious surfaces that can be documented to demonstrate they meet either of the following standards shall be excluded from the impervious surface calculations under this section.
1. The impervious surface is treated by devices such as storm water ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
 2. The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.
- K.** To qualify for the statutory exemption, property owners shall submit a complete permit application that is reviewed and approved by the county. The application shall include the following:
1. Calculations showing how much runoff is coming from the impervious surface area.
 2. Documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device or internally drained area.
 3. An implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices or internally drained area.
 - a. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the permit.
- 12.3 Filling and Grading, Ditching and Excavating**
- Filling, grading, ditching, and excavating may be permitted only in accordance with the provisions in s. NR 115.04, the requirements of Wis. Stat. § ch.30, and other state and

federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.

12.4 Permits Required

A. A permit is required for any filling or grading of any area which is within 300 feet of the OHWM of navigable water and all other shorelands that have surface drainage toward the water.

B. Filling, grading, ditching and excavating on lands more than 300 feet from the shore that do not have surface drainage toward the water may need a permit in the following areas;

1. on all slopes of more than 20%;

2. Disturbance of more than 1,000 sq. ft. on slopes 12%-20%;

3. Disturbance of more than 2,000 sq. ft. on slopes less than 12%;

C. A permit is required for any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 300 feet of the OHWM of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.

D. A variance is required for any retaining walls whose construction was necessitated by any filling, ditching, grading or excavating within 75 feet of the ordinary high water mark before such activity takes place.

12.5 Permit Conditions

A. In granting a permit under this Section, the county shall attach conditions, where appropriate, in addition to those specified in Section 12.6 and 12.7, or a variance that has been issued by the Board of Adjustment.

B. No fill permit will be issued until all applicable permits have been received from state and federal agencies if required. Applications can be concurrent.

12.6 Filling

Filling may be permitted provided the fill material:

A. Shall be suitable for its intended use, no fill intended for supporting structures shall consist of junk, wood, sawdust, paper, tires, solid waste, muck, peat, or any similar materials which could cause subsidence.

B. Fill material is protected from erosion so as not to cause siltation of adjacent lands or navigable waters. The use of a temporary ground cover or other conservation practices such as sediment catch basin or diversion terrace may be required in order to prevent erosion.

C. Shall rest on a firm bottom and be stabilized according to accepted engineering standards.

D. Shall not alter the drainage from and onto adjacent lands so as to create significant harm.

E. Shall not, in any manner, alter the course of a waterway on property belonging to other than the applicant.

F. Shall, where applicable, meet the requirements of state or federal agencies also having jurisdiction, such as the Wisconsin Department of Natural Resources and the U.S. Army Corps of Engineers.

G. No fill permit will be issued until all applicable permits have been received from state and federal agencies if required.

12.7 Grading

A. Grading of an area may be permitted provided that:

1. The smallest amount of bare ground shall be exposed for the shortest time feasible and permanent ground cover shall be established as soon as practical; and
2. Precautions are taken to prevent erosion and sedimentation through the use of silting basins, diversion, terraces, or similar practices used individually or in combination where circumstances warrant such. "Silt fences" consisting of silt retaining fabric staked vertically to the ground and around the down gradient perimeter of the grading activity shall be installed as required and be presumed necessary in all cases unless specifically exempted in writing by land conservation staff and only if relatively flat conditions exist. Bales of hay or straw placed behind silt fences for maximum protection are recommended.

B. Excess fill, rock or materials associated with construction, reconstruction or repair of a structure shall be removed from the site unless its placement is addressed in the applicable permit issued for the construction activity. See "cut and fill definition."

C. Filling/grading may not occur in the vegetative buffer zone unless for the creation of the viewing/access corridor, the establishment of a vegetative buffer or for the construction of a boathouse.

SECTION 13 – NONCONFORMITIES

13.1 Discontinued

If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to the ordinance.

13.2 Lawful Placement

An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

13.3 Expansion

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- A. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under Section 10 may be expanded laterally or vertically, provided that all of the following requirements are met:
- B. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use;
- C. The existing principal structure is at least 35 feet from the OHWM;
- D. Vertical expansion is limited to 35 feet, the height allowed in s. NR 115.05 (1) (f) and lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the OHWM than the closest point of the existing principal structure;
- E. The county shall issue a permit that requires a mitigation plan as required in Section 15 that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall include enforceable obligations of the property owner to establish or maintain measures that the county determines adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the expansion being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the county register of deeds; and
- F. All other provisions of the shoreland ordinance shall be met.

13.4 Expansion beyond Setback

An existing principal structure that was lawfully placed when constructed but does not comply with the required building setback under Section 10 may be expanded horizontally landward or vertically provided that the expanded area meets the building setback requirements in Section 10 and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required under Section 12.

13.5 Relocation

- A. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under Section 10 may be relocated on the property, provided that all of the following requirements are met:
- B. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use;
- C. The existing principal structure is at least 35 feet from the OHWM;
- D. No portion of the relocated structure is located any closer to the ordinary high-watermark than the closest point of the existing principal structure.
- E. The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for

relocation that will result in compliance with the shoreland setback requirement per Section 10.

- F.** The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan, as required and described in Section 15 of this ordinance, shall include enforceable obligations of the property owner to establish or maintain measures that the county determines adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional, as stated in Section 12.2, to the amount and impacts of the expansion being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the county register of deeds; and
- G.** All other provisions of the shoreland ordinance shall be met.

SECTION 14 – RESIDENTIAL CONSTRUCTION STANDARDS

14.1 Construction Standards for Residences

- A.** All habitable dwellings, including those considered overflow accommodations, shall be constructed utilizing Uniform Dwelling Code requirements and permitting.
- B.** All manufactured, modular or constructed homes shall have a pitched roof of not less than 3 feet over a length of 12 feet and be constructed to withstand the snow load as required by the WI Uniform Dwelling code.
- C.** All foundations upon which the manufactured or modular homes rest shall be permanent and fully enclosed and comply with current Uniform Dwelling Code Requirements.
- D.** All single-width manufactured homes qualified as HUD-certified shall not have less than 14 feet of width as shipped from the factory.

14.2 Erection of More Than One Principal Structure on a Lot

In any district, no more than one principal structure may be erected on a lot. Accessory structures may be used as overflow accommodations if built to UDC (Uniform dwelling code) standards. Lots having more than 1 principal use may have more than 1 principal structure.

14.3 Sanitary Regulations

- A.** Where public water supply systems are not available, private well construction shall be conform to ch. NR 812.
- B.** Where a public sewage collection and treatment system is not available, design and construction of private sewage disposal systems shall, prior to July 1, 1980, be required to comply with ch. SPS 383, and after June 30,

1980, be governed by a private sewage system ordinance adopted by the county under Wis. Stat. § 59.70

14.4 Height Restrictions

- A.** Primary structures shall be 35 feet or less in height when measured from the highest peak to the lowest exposed point of a building
- B.** Accessory structures more than 75 feet from the OHWM shall not be greater than 28 feet in height measured from the highest point to lowest part of the building.
- C.** Accessory Structures less than 75 feet from the OHWM are limited to 12 feet in height measured from the highest point to lowest part of the building.

SECTION 15 – MITIGATION

15.1 MITIGATION REQUIRED

A. When the county issues a variance, planned unit development, or conditional use permit requiring mitigation under portions of this ordinance, the property owner must submit a complete permit application that is reviewed and approved by county personnel. The application shall include the following:

- 1.** A site plan that describes the proposed mitigation measures.
 - a.** The site plan shall be designed and implemented to restore natural functions lost through development and human activities
 - b.** The mitigation measures shall be proportional, as in Section 12.2, in scope to the impacts on water quality, near shore aquatic habitat, upland wildlife habitat and natural beauty.
 - c.** The mitigation measures shall be proportional to the amount and impacts of the expansion being permitted. Mitigation measures may include:
 - 1.** Elimination or reduction of impervious surfaces
 - 2.** Elimination of nonconforming accessory structures
 - 3.** Shoreland, native vegetation buffer increase or restoration
 - a.** Rain gardens
 - b.** Infiltration structures
 - c.** Directing roof runoff into pervious areas
 - d.** Retention/detention basins
 - e.** Diverting overland flows to infiltration areas within the property or an adjacent property, providing it is acceptable to the adjacent owner and does not cause harm to that property.
 - f.** Pervious paver or structures in place of impervious surfaces
 - g.** Wetland protection or restoration
 - h.** Removal of shoreland modifications such as seawalls, retaining walls, beaches, or excessive paver covered areas.

- i. Maintaining a “no mow” buffer across the property.
2. An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures shall be evidenced by an instrument recorded in the office of the Register of Deeds.

SECTION 16 – WATERFRONT ACCESS, GENERAL RESTRICTIONS

16.1 General Restrictions

- A. Water access lots are prohibited on lakes and ponds of less than 50 acres.
- B. No pyramiding will be permitted on any lands fronting on a water body except as may be specifically permitted to a marina or resort, and which may be allowed under the terms of a conditional-use permit or Planned Unit Development.
- C. There will be 1 access lot for every 3 back lots created after adoption of this ordinance.
 1. Access lots shall be at a minimum 100 feet wide at the OHWM for each 3 back lots served, measured at its narrowest point. Other configurations may be proposed to the Land and Water Resources Committee as part of a Planned Unit Development.
 2. Access lot shall have at a minimum 35 feet between the OHWM and any access road.
 3. Each lot shall be legally deeded and inseparable from each back lot served.
- D. A mainland access lot is required for every 2 lots developed on islands.
- E. Buffer Area:
 1. Each water access lot shall include an un-mowed buffer area along each side lot boundary.
 2. Each buffer width shall be a minimum of 25 feet.
 - a. Water access lot buffers may include wetlands.
 - b. The remaining lot width located between the buffers shall not include any wetlands.
 - c. Buffer area includes 35 feet from OHWM and landward.
 - d. No mow in the shoreline buffer area except in the allowed foot-view corridor.
- F. Improvements on a water access lot are limited to the following:
 1. Driveway shall not be closer than 35 feet from the OHWM or greater than 20 feet in width.
 2. In addition to the width of the driveway, parking spaces are allowed on the access lot but only limited to the number of lots served plus one additional space.
 3. A single opening 35 feet in width is permitted at the water’s edge. Lots having 200 feet of frontage or more may have adjoining openings.
 4. A path, up to 5 feet wide is allowed to the shoreline opening.
 5. A single boathouse and boat hoist may be constructed for each 100 feet of frontage.

6. Accessory structures may be permitted subject to setbacks and impervious surface limitations

16.2 Waterfront Access Easements

- A. Except as provided in Wis. Stat. § 30.1335, no owner of riparian land that abuts a navigable water may grant by an easement or by a similar conveyance any riparian right in the land to another person, except for the right to cross the land in order to have access to the navigable water. This right to cross the land may not include the right to place any structure or material, including a boat docking facility, as defined in Wis. Stat. § 30.1335 (1) (a), in the navigable water.

- B. Existing easements are permitted to the extent allowed by state law.

Note: Wis. Stat. § 30.133 prohibits the conveyance of any riparian land by easement or similar conveyance after April 9, 1994, except for the right to cross the land in order to have access to the navigable water. Wis. Stat. § 30.131 permits nonriparian land owners to place certain wharfs or piers into the water if, among other things, it is pursuant to an easement recorded before December 31, 1986. Notwithstanding Wis. Stat. § 30.133, such easements may be conveyed with the riparian land.

16.3 Dock-o-minimums Prohibition

The sale of mooring sites and berths as a condominium or anything else separate from a dwelling unit on the same shoreland lot is prohibited.

SECTION 17 – ADMINISTRATION

17.1 Designation of Administrator

- A. The County Zoning and Personnel Committee will appoint a County Zoning Administrator for the administration and enforcement of the provisions of this ordinance. The County Zoning Committee may authorize the Town Board of each township to appoint a Deputy Zoning Administrator to assist in the enforcement and administration of this ordinance. Compensation for the Deputy Zoning Administrator will be the responsibility of the town unless a memorandum of understanding between the town and the county exists to represent other arrangements.

- B. The Zoning Administrator may delegate to the Deputy Zoning Administrator any of the duties listed in this Section. The Zoning Administrator shall have the power to cause, rescind, or alter any action of a Deputy Zoning Administrator, and may also suspend his or her powers under this ordinance until the next regular meeting of the Land and Water Resources Committee. Upon appointment of a Deputy Zoning Administrator by a Town, the Zoning Committee shall, at its next regular meeting, vote to approve or deny said

appointment. The Zoning Committee shall have the power to dismiss Deputy Zoning Administrators at any time, for cause.

17.2 Duties

In administering and enforcing this ordinance, the County Zoning Administrator shall be responsible for the following duties:

- A.** Provide necessary forms for applications for use permits;
- B.** Issue land-use permits and conditional-use permits under this ordinance where the provisions of this ordinance have been complied with;
- C.** Maintain files of applications, permits, and other relevant information.
- D.** Perform regular inspections of permitted work where not covered by Uniform Dwelling Code enforcement.
- E.** Assist the Board of Adjustment

17.3 Powers

The County Zoning Administrator and duly-appointed deputies have the powers and authority including, but not limited to, the following:

- A.** At any reasonable time, and for any proper purpose, to enter upon any public or private premises and make inspection thereof. In absence of a permit or permission from the landowner to inspect property, the procedure set forth in Wis. Stat. § 66.0119 will be used to obtain information relating to conditions on the property or violations;
- B.** Upon reasonable cause or question as to proper compliance, to revoke any land-use permit and issue cease and desist orders requiring the cessation of development activity, moving, alteration, or use which is in violation of the provisions of this ordinance, any variance or conditional use
- C.** Recommend prosecution and prosecute violators of this ordinance by issuing citations pursuant to Wis. Stat. § 20.05.2 hereunder or action of the corporate counsel;
- D.** Refer to town deputies, or to town boards, for investigation, report, or mediation, complaints filed with the County Zoning Administrator, that by their nature, might best be dealt with in initial stages at the town level; and
- E.** Other duties as listed in the Administrators job description on file with the county clerk.

SECTION 18 – LAND USE PERMITS

18.1 When Required

Except where another provision of this ordinance specifically exempts certain types of development from this requirement, a land use permit shall be obtained from the zoning office before any new development or any change in the use of an existing structure is initiated.

18.2 Application

An application for all permits, land use, variance or conditional use shall be made to the Land and Water Resource office upon forms furnished by the county. Landowners or agents will be required to complete the forms and demonstrate the placement of their development by marking the footprint in a manner county staff can easily identify and match the size and location to the permit application.

A. Required Submissions

In addition to the written requirements of ownership and parcel identification on the development application, drawings are required to indicate size and positioning of development on the property. The site development plan may be drawn to any legible scale and submitted as part of the permit application and shall indicate the following:

1. The location, dimension, area, and elevation of lot or parcel;
2. The location, dimension, area, and elevation of development;
3. The distance of all development to OHWM;
4. The sum total of all impervious surfaces existing and proposed;
5. The placement and size of infiltrative structures used to exempt impervious surfaces;
6. The distance of all development, existing and proposed, to lot lines and centerlines of all abutting streets or highways or edges of easements; and
7. The location of any existing or proposed sanitary systems or private and public water supplies.

B. Permit Approvals

Permits will be granted or denied based on the paper application, the onsite inspection and the requirements of the ordinance. An 8 1/2 by 11 inch cardboard placard will be issued to the landowner or agent. The placard shall be placed conspicuously near the entrance of the property before work begins and remain until permitted work is completed.

1. The administrator may defer any permit applications to the Committee for deliberation or instructions.

C. Expiration of Permits

- a. Land Use permits expire 12 months from the date of issuance if no substantial work has commenced. Where excavation or demolition shall be carried out before construction begins, substantial work has commenced. If after 12 months of the date of issuance of any permit the proposed construction or preparation of land for use has not commenced, said permit shall expire, except where the zoning administrator may grant an extension of such permit for a period not to exceed 12 months upon the showing of valid cause and payment of a renewal permit fee.

D. Late Application

- b. Any application for permits or any other permission, received after the use change or construction has been initiated, shall be subject to an additional late

application fee. Payment of a fee for late application shall not exempt the applicant from prosecution for violation of this ordinance.

E. Fees Required

The Forest County Land and Water Resource Office shall maintain a Master List of Fees for all permits and activities required by this ordinance.

SECTION 19 – PENALTIES

19.1 Penalty for Violations

- A.** Except as provided in (C) and (D), any person who violates this ordinance may be subject to a fine of \$500.00 plus costs of prosecution. A charge of \$50.00 will be added to the fine for everyday the fine is not paid after it becomes due. The county may also seek injunctive relief from the circuit court to cause violation to be ceased, moved or removed.
- B.** Any unpaid fine under this ordinance may be placed on the tax roll against the property where the violation occurred, subjecting the owner of the property to forfeiture of the property through a tax deed if it remains unpaid.
- C.** Failure to comply with a court order pursuant to this statute may result in a finding a contempt and may subject the violator to confinement until the violation is cured.
- D.** Failure to comply with or follow instructions or restrictions as directed by the Board of Adjustment after securing a variance or conditional use to any portion of this ordinance may be subject to the issuance of fine up to \$20,000, injunctive relief by order of the court or both.

19.2 Citation Enforcement

- A.** Enforcement of this will be through the Citation Enforcement Procedure authorized in Wis. Stat. § 66.0113.
- B.** The adoption of the citation method under Section 19.2 does not preclude the county, or its officers authorized to issue citations, from proceeding under any other enforcement procedure that pertains to the subject matter addressed in the citation.
- C.** Payment of the citation by a violator does not relieve the violator of the obligation to the ordinance nor to remove what has been illegally installed. A new citation may be issued within 30 days from the time a previous citation for the same violation was paid
- D.** Prior to issuing a citation under this Section, the zoning administrator or any delegated deputy administrators, shall attempt to gain compliance with the ordinance by issuing a correction letter. Upon failure to gain compliance, or a good faith start toward compliance, the administrator or delegate will issue the citation, delivered in person, by first-class mail, or by registered letter, as the administrator deems most effective.

- 1713 E. The format of any citation and procedures open to the violator, including
 1714 procedure on default, will be consistent with Wis. Stats. §§ 66.1113, 66.0114
 1715 and 66.0115
- 1716 F. All citations issued under this ordinance have the legal effect specified in
 1717 Wis. Stat. § 66.119 and provide the circuit court of the county with subject
 1718 matter jurisdiction.
- 1719 G. Citations issued may be paid by either cash or a certified check or money
 1720 order made out to the FOREST COUNTY TREASURER, Forest County
 1721 Courthouse, Attention: Clerk of Court, 200 East Madison Street, Crandon,
 1722 WI. 54520, by mail or in person.

1723 SECTION 20 – POWERS OF THE FOREST COUNTY BOARD OF ADJUSTMENT

1724 20.1 Appealable Matters

- 1727 A. The following decisions are appealable to the Board of Adjustment and shall be
 1728 initiated as put forth under Forest County Ordinance No. 02-2010:
- 1729 1. Decisions by the Zoning Administrator which consist of interpretations of the
 1730 terms of the Forest County Zoning Ordinance and which are made in the course
 1731 of determining whether a permit or approval will be issued by said administrator
 1732 are first Board of Adjustment as an administrative appeal;
 - 1733 2. Decisions by the Zoning Administrator to issue an enforcement demand or to
 1734 commence other ordinance enforcement activities, where the Administrator has
 1735 determined that violation of the ordinances exists, are appealable to the Board of
 1736 Adjustment as an administrative appeal; and
 - 1737 3. Decisions by the Land and Water Resource Committee which consist of
 1738 interpretations of the terms of the Forest County Zoning Ordinance and which
 1739 are made in the course of determining whether a permit or approval will be
 1740 issued by said committee are appealable to the Board of Adjustment as
 1741 administrative appeals.
 - 1742 4. Decisions by the Land and Water Resource Committee regarding Conditional Use
 1743 Permits are appealable to the Board of Adjustment within 30 days after the
 1744 decision is issued.

1745 20.2 Variances

- 1747 A. The board of adjustment may grant a use variance under the rules of
 1748 Ordinance No. 02-2010, rules for the Board of Adjustment if a literal
 1749 enforcement of the provisions of the ordinance will result in no reasonable
 1750 use of the property and so long as the granting of the use variance does not
 1751 have the effect of granting use of property which is prohibited in said zoning
 1752 district by this ordinance. A more appropriate method of increasing or
 1753 changing the use of property may be to seek a zoning change.
- 1754 B. The Board of Adjustment may grant an area variance under the rules of
 1755 Ordinance No. 02-2010, Rules for the Board of Adjustment where
 1756 compliance with this ordinance would unreasonably prevent the owner from

using the property for a permitted purpose or would render conformity with those restrictions unnecessarily burdensome.

20.3 Process for all Variances

Complete and submit a Variance application form attached to a land use permit and the required fee. The following information is required on each application:

- A. The address of the property
- B. The name and contact information of the person(s) seeking a variance
- C. The type of variance requested, use or area and the ordinance number the relief is requested from.
 - 1. A written description of the ‘unnecessary hardship’ that exists on the property for a use variance.
 - 2. A written description of why the property has diminished or no use in its present zoning district
 - 3. A map depicting the property as it currently exists and as it would exist if the variance is granted.
 - 4. The requirements of Section 18
 - 5. Any other information pertinent to the proposed variance that would help the Board of Adjustment render its decision.

20.4 Standards and Findings

- A. The Board of Adjustment, in evaluating petitions for granting of an area variance shall consider the unnecessary hardship due to unique property limitations and the potential harm to the public interest.
- B. The Board of Adjustment, in evaluating petitions for granting of a use Variance shall consider if the landowner has any reasonable use of the property as it is zoned.

20.5 Process Followed by Applicant

- A. Applicants shall abide by the following steps when applying for a variance:
 - 1. Complete and submit a variance application form, including the information required in Section 18, Section 20.3 and the required fee.
 - 2. Applicant shall prepare and attach a written statement addressing the considerations in Section 18.2(A)
- B. After the application and permit fees have been delivered to the Land and Water Resource office, the process as defined in Forest County Ordinance Number 02-2010, Board of Adjustment Rules takes effect; A copy of the same shall be given to the applicant if requested.
- C. Where the conditions of a variance are violated, the variance will be revoked by the Board of Adjustment following the same steps of notice, hearing and decision as in granting the variance upon notification by the zoning administrator of violation. Section 19 of this ordinance may apply.

20.6 Hearing

The Land and Water Resource office will cause to be published in the county's official newspaper a class 2 notice and at the same time notify, by regular mail, the applicant, the property owners within 300 of the subject property and the town of the specific request. This notice shall include the location, date and time of the hearing and location of application copies for examination by interested parties. The administrator shall forward an agenda and copies of the application to each Board of Adjustment member before the next regular meeting after the waiting period for the Class 2 notice, but in no case less than seven days before the meeting. The committee shall make an onsite visit prior to the meeting as noticed. After the committee's decision is final, the Administrator will either approve or deny the permit application for the requested relief.

20.7 Recording

All decisions will be permanently recorded in the County Clerk's Office and the landowner's file.

20.8 Violating Terms of a Variance

Any violation to the terms of a variance as recorded shall be enforced by the Administrator as outlined in Section 19 of this ordinance.

SECTION 21 – CONDITIONAL USE PERMITS

21.1 Application for a Conditional Use

Uses listed as permitted by conditional permit, as listed in Section 30, shall be authorized in a district after application to the Land and Water Resource office, public hearing and the application of appropriate conditions.

21.2 Process for Conditional Use Permit

A request for a conditional-use permit shall be submitted in writing to the county Land and Water Administrator on forms provided. The Administrator will refer the application to the committee for approval to proceed. The request shall be accompanied by scale or distance maps or drawings prepared to the best of the applicant's ability, showing legibly and accurately the location, size and shape of the lot(s) involved and of any proposed structures, including the relation to abutting streets and any abutting lakes or streams, and the existing and proposed use of each structure, the design of any required parking areas, driveways, or internal roadways.

21.3 Hearing

The Land and Water Resource office will cause to be published in the county's official newspaper a class 2 notice and at the same time notify, by regular mail, the applicant, the property owners within 500 feet of the subject property and the town where the property is located of the specific request. The Land and Water Resource Committee shall invite 2 members of the town board in which the property is located to

join the committee during the public hearing and deliberate on proposed conditions in a voting position. This notice shall include the location, date and time of the hearing and location of application copies for examination by interested parties. The zoning administrator shall forward an agenda and copies of the application to each Land and Water Resource Committee member and the affected town before the next regular meeting after the waiting period for the Class 2 notice, but in no case less than seven days before the meeting.

21.4 Determinations

The land and Water Committee shall act on the application after hearing comments, and general and specific requirements requested by the town, the public and committee members. The Committee shall report its decision within 90 days after the filing of the application, except for conditional use applications considered a Planned Unit Development Proposal. Its decision shall include an accurate description of the use permitted, of the property on which it is permittee, and any and all conditions made applicable.

1. The requirement and conditions required must be reasonable, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal.
2. The applicant must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use are or shall be satisfied, and must be supported by substantial evidence.
3. The county's decision to approve or deny the permit must be supported by substantial evidence.

21.5 Recording

When a conditional use is approved, an appropriate record shall be made at the zoning office and in the public record consisting of the land use and structure permits and conditions specified by the land and Water Committee. Such permits shall be applicable solely to the structures, use, and property so described.

21.6 Termination

Where a permitted conditional use does not continue in conformity with conditions of original approval, the conditional-use permit shall be terminated by action of the Land and Water Committee and may be considered by committee as a violation of the ordinance. Procedure for termination shall be the same as for approval, except it shall be proceeded by issuance of notice of violation, and of any necessary citations, which if left unpaid and not corrected, provide the basis for the termination.

21.7 Standards Applicable for Conditional Uses

- A. When deliberating about a Conditional Use request, in addition to any other factors it considers, the committee shall also consider the following:
1. The maintenance of safe and healthful conditions;
 2. Sufficient property to adequately accommodate the proposed use;

3. The prevention and control of water pollution including sedimentation;
4. The prevention of damage to adjacent properties due to altered surface water drainage;
5. The avoidance of potential erosion based on the degree and direction of slope, soil type and vegetative cover.
6. The location of the site with respect to existing or future access roads; and
7. The compatibility with placement of structures on adjacent land.
8. Traffic, noise and hours of operation.

21.8 Conditions Imposed

- A. Upon consideration of the standards listed in Section 21.7 of this ordinance, the Land and Water Resource Committee may attach such conditions as are necessary to further the purpose of this ordinance. Violations of any of these conditions are cause for revoking the conditional use permit. Citations may be issued to enforce compliance before revocation.
- B. If an applicant for a conditional use permit meets or agrees to meet all of the restrictions, requirements and conditions specified in the county ordinance or those imposed by the county Land and Water Resource Committee, the county shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.
- C. All actions under this section are appealable to the circuit court under the procedures contained in s. 59.694 (10)

SECTION 22 – MAP AND TEXT AMENDMENT PROCEDURES

The regulations imposed and the zoning districts created under authority of this ordinance may be amended from time to time in accordance with Wis. Stats § 59.69 (5). An amendment may be granted by the County Board only after a public hearing before the Forest County Land and Water Resources committee and a report of its findings and recommendations has been submitted to the county board for final action.

22.1 Standards for Zoning/Land Use Map Amendments

- A. A rezoning or land use change, except those listed in Section 5, shall conform or not otherwise be in conflict with any adopted county plans. Rezoning may be enacted if:
- B. It can be shown that the current zoning places an unreasonable burden on the owner of the property to be affected;
- C. The current zoning can be shown to have been a mistake based on incorrect knowledge or assumptions about the land or existing uses in the area;
- D. The current zoning is no longer necessary to protect any public interest; or
- E. There has been a significant change in circumstances since the property was zoned under the current district and the proposed rezoning action is shown to be appropriate for such new circumstances.

22.2 Initiation of Text or Map Amendments

- A.** Amendments may be proposed by the County Board, the Land and Water Committee, any property owner in the area to be affected by the amendment or by a town board.
- B.** If filing for an amendment of the official zoning/land use map, the petitioner filing the amendment shall submit with the application, a fee, if required, and a map showing the proposed change. Land and Water Resource personnel will compile a list for purposes of notification to all landowners within 300 feet of the property or properties proposed to be rezoned.

22.3 Processing

An application for a text or map amendment shall be filed with the zoning administrator and immediately transmitted to the chairman of the Land and Water Resources Committee for approval to schedule a Class 2 public hearing. In conjunction with the public hearing, an individual written notice shall be sent to all landowners within three-hundred feet of the proposed zoning action, the town clerk of the affected township and all county board members no later than ten days before the public hearing. Failure to receive such notice will not invalidate the hearing or the results.

22.4 Decisions

After public hearing, the Land and Water Resources Committee shall forward its recommendations to the county board for further action. The county board, after receiving the report of the Land and Water Resource Committee, and without further public hearing, may grant or deny any proposed amendment in accordance with applicable standards. Alternatively, it may refer it back to the Land and Water Resource Committee for further change or consideration.

SECTION 23 – SHORELAND DISTRICTS

23.1 Official Zoning/Land Use Maps

Forest County shorelands are divided into district as shown on the Official Zoning/Land Use Map and data base, which, together with all explanatory matter thereon is hereby adopted by reference and declared to be part of this ordinance. If an atlas is used, each individual map included in the atlas shall be marked and maintained in accordance with the provisions of this Section. If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning/land Use Map, such changes shall be entered on the map and data base promptly after the amendment has been approved by the County Board of Supervisors. There is only one authentic Official Zoning/Land Use Map and Data Base. It shall be on file in the office of the zoning administrator. It is the final authority as to the current status of allowable land uses in Forest County.

23.2 Districts

{00059690.DOCX}

A. All shorelands in Forest County are hereby categorized into the following districts:

1. Shoreland Residential (SR)

This district is comprised of land three-hundred feet from a river and one-thousand feet from a lake where POWTS is utilized as a sanitary system or a municipal sanitary system is provided. This district is used exclusively for residential activities.

2. Shoreland Recreational Residential (SRR)

This district is comprised of land that utilizes POWTS as a sanitary system or a municipal sanitary system is provided. This district, in addition to residential uses, has permitted recreational uses such as short term rental (less than 7 days), recreational vehicle, motor home and camper placements.

3. Shoreland Commercial (SC)

This district's commercial designation relates to the buying and selling of goods and services and its operation may be water dependent. There are patrons on premise and the business may or may not be serviced by a municipal sanitary sewer or POWTS.

4. Shoreland Industrial (SI)

This district's industrial designation relates to the manufacturing of goods. The activities on these parcels may need state regulation and may create nuisance conditions. There may be patrons on premise.

5. Shoreland Forestry or Agricultural Zone (SFAG)

This district's designation depends on enrollment in the Managed Forest Land program and its use is as defined by State law where applicable and county ordinance thereafter. This designation also allows for all uses as listed in the Forest County Farmland Preservation Ordinance.

6. Shoreland Mixed Use (SMU)

These are areas with a variety of uses, or may be a small community with retail, commercial, and residential uses in close proximity.

7. Shoreland Government/Public. Institutional (G)

This district is designated by a town for Government/Public/Institutional facilities and can include public recreational uses.

8. Shoreland Wetland (SW)

This district is based on Wisconsin Wetland Inventory Maps. This designation knows no boundaries unless a change of zoning is applied for and approved. Many of these wetlands may not be mapped but are still considered in the Wetland District. See Section 5 for use clarification.

23.3 Wellhead Protection Overlay District

This district is comprised of lands designated by a town sanitary district for the protection of municipal wells that intersect with areas of shoreland zoning jurisdiction. All wells shall be adequately separated from potential sources of contamination. Unless a hydrogeological investigation indicates lesser separation distances would provide adequate protection of a well from contamination or department approved

treatment is installed to address the potential contamination concerns, the minimum separation distances shall conform with NR 811.11(5)(d).

SECTION 24 – SUPPLEMENTAL DISTRICT REGULATIONS

24.1 PARKING, STORAGE, AND USE OF RECREATIONAL VEHICLES, MOTOR HOMES, AND CAMPER TRAILERS.

- A.** All recreational vehicles, motor homes or camper trailers left on private property more than 30 days shall comply with the general requirements of Section 24.05 of the Forest County Sanitary Ordinance.
- B.** Recreational vehicles, motor homes or camper trailers in storage adjacent to the owner's home are exempt from these requirements.
- C.** If allowed, all recreational vehicles, motor homes or camper trailers located on private property for more than thirty days shall secure a permit/license from the Forest County Land and Water Resources office demonstrating compliance with the Sanitary Ordinance and the terms of the Forest County Shoreland Zoning Ordinance for placement.
- D.** All recreational vehicles, motor homes or camper trailer sites shall be kept clean and free of weeds, junk or discarded materials.
- E.** Only one recreational vehicle, motor home or camper trailer is allowed permanent placement on a single lot of record.
 - 1.** In order to have more than one recreational vehicle, motor home or camper trailer you shall have a minimum, additional 20,000 square feet for each unit.
 - 2.** In no event shall there be more than 3 recreational vehicles, motor homes or camper trailers (collectively) on any one parcel without a campground permit or variance
- F.** Structures such as decks, porches, patios and car ports are allowed, if permitted, but in no case may be attached permanently to any recreational vehicle, motor home or camper trailer. All setbacks must be complied with.
- G.** All parcels where recreational vehicles, motor homes, and camper trailers are parked, for any length of time, shall obtain and display a fire number.
- H.** All recreational vehicles, motor homes or camper trailers shall remained licensed by the Wisconsin Department of Transportation.

24.2 Signs

The size, type and location of signs shall comply with the Forest County Sign Ordinance, except when State regulations are more prohibitive, and except that the Forest County Sign Ordinance does not prohibit "no hunting", "no trespassing", "for sale", "for rent", campaign signs, or other temporary property signs advertising an event occurring within 30 days.

24.3 Chickens and Ducks

The purpose of this Section is to provide standards for the keeping of domesticated chickens and ducks. The intent is to place restrictions on residents keeping chickens

and/or ducks on a non-commercial basis in all districts except commercial or industrial areas.

A. Number and Type of Chickens and/or Ducks Allowed

1. The maximum number of chickens and /or ducks allowed is 8 per lot.
2. Only female chickens are allowed, no roosters. Male or female ducks are allowed.
3. There are no restrictions on chicken or duck species. No Guinea fowl are allowed.
4. The chickens and /or ducks shall be provided with a covered coop and attached pen.
5. Chicken and/or duck coops and pens shall not be located closer than 50 feet to any lot line.
6. Chicken and/or duck coops and pens shall not be located closer than 75 feet from the OHWM of any lake, river or stream.

Section 25 - PUBLIC NUISANCES AND BLIGHT

25.1 General

A public nuisance is any condition which is injurious to health, offensive to the senses or interferes with public or private use of property. Blight refers to the deterioration or decay of a premises or exterior of a building or condition of a property, that when viewed at ground level from the public right-of-way or from neighboring premises, is detrimental to the property of others or to the value of the property of others. The following are declared to be public nuisances or blight, affecting health and property;

- A.** Failure to keep waste, refuse or garbage in an enclosed building or properly contained in a closed container designed for such purpose or the keeping of such waste, refuse, or garbage in such manner as to create noxious fumes or odors affecting adjoining or public property.
- B.** Failure to maintain the exterior or interior or any structure used for human habitation or storage purposes so as to avoid health hazards.
- C.** Allowing any discharge into the environment or toxic or noxious materials in such concentrations as to endanger the public health.
- D.** Causing or allowing the effluent from any cesspool, septic tank, drainfield or sewage disposal system to discharge upon the surface of the ground.
- E.** Causing or allowing the contamination of any well, cistern, stream, or lake with any material or substance.
- F.** Failure to comply with any law or rule regarding sanitation and health including, but not limited to:
 1. plumbing
 2. water supplies, including wells and surface waters
 3. waste disposal
 4. storage of chemical pesticides or herbicides

- G.** Any property that maintains two or more unlicensed, inoperable motor vehicles or two or more unused and inoperable appliances within 50 feet of adjoining properties unless the offending property is completely screened from view with fencing or vegetation.
- H.** Failure to maintain vegetation, including, but not limited to, lawns exceeding the height of 12 inches, weak, diseased or dying trees that threaten the property of others or obstructs the view or movement of vehicles and pedestrians.
- I.** Allowing the proliferation of noxious, nuisance or invasive plants species or vegetation.
- J.** Failure to prevent erosion from dust or the blowing or scattering of dust particles from unvegetated areas.
- K.** Failure to prevent erosion where the movement of soil or water crosses a property line or into any legal setback.

Section 26 – 29 Reserved For Future Use

Section 30 – CONDITIONAL AND PERMITTED USES BY DISTRICT

30.1 General

The following table lists common land uses which might be found or established in Forest County. The list, though not all inclusive, shall be interpreted as applying to the most similar listed use and the provisions of that use shall apply.

Key										1
P = Permitted Use C = Conditional Use Blank Space = Not Permitted										
Uses that are not listed in the following table shall be interpreted to follow the same provisions as those applying to the most similar listed use										
Description	Wetland	Residential	Recreational Residential	Commercial	Industrial	Forestry Ag	Mixed Use			
Agri-Business	p			p	p	p	p			
Animal Husbandry				c		p	p			
Adult Oriented Business				c	p					
Private Airports					c	p				
Auto & RV Service				p	p	c	c			
Banks & Credit Unions				p	p		c			
Bed & Breakfast			c	p		p	c			
Building and Trade Contractors		p		p	p	p	p			
Body shops				p	p		c			
Campgrounds			c	c		p	c			
Community Living CBRF			c	p			c			
Eating and Drinking Establishments			c	p	p	c	c			
Essential Services		p	p	p	p	p	p			
Farmhouses and Farms						p	p			
Forest Management	p	p	p	p	p	p	p			

Key								2
P = Permitted Use			C = Conditional Use			Blank Space = Not Permitted		
Uses that are not listed in the following table shall be interpreted to follow the same provisions as those applying to the most similar listed use								
Description	Wetland	Residential	Recreational Residential	Commercial	Industrial	Forestry Ag	Mixed Use	
Forest Products Ind				P	P	P		
Group Lodging				P	P	C	C	
Gun Clubs				C	P	C		
Guest House Non-Rental		P	P	P		P	P	
Guest House Rental Less than 7 Days			C	P	P	P	P	
Health Care Facilities				P	P		P	
Heavy Equipment Storage				P	P	P	C	
Home Occupations		P	P	P	P	P	P	
Hotels/Motels				P	P	C	C	
Indoor Recreation				P	P	C	P	
Kennels-Commercial				C	P	C	C	
Manufacturing –Industrial					P		C	
Marinas –Commercial			C	P	P	C	C	
Mini-storage			C	P	P	C	C	
Mining	C			C	C	C	C	

Key								
3								
P = Permitted Use C = Conditional Use Blank Space = Not Permitted Uses that are not listed in the following table shall be interpreted to follow the same provisions as those applying to the most similar listed use								
Description	Wetland	Residential	Recreational Residential	Commercial	Industrial	Forestry Ag	Mixed Use	
Mining—Non-Metallic					c	p	c	
Modular Home Parks			c	p	p		c	
Motor Freight Terminals					p	c	c	
Outdoor amusement Facilities				p	p	c	c	
Parks & Playgrounds		p	p	p		p	p	
Planned Unit Development		p	p	p	p	p	p	
Professional Offices				p	p		p	
Residential Multi Family			c	p			p	
Residential Single Family & duplex		p	p	p		p	p	
Resorts			c	p			p	
Retail Sales and Service			c	p	p		p	
Riding Stables				c		p		
Road Side Stands			p	p	p	p	p	
RV, Campers			p			p	p	
Private Clubhouses & golf			c	p			c	
Golf courses								

[illegible]

5

[illegible]

9

Setbacks

5

[illegible]